IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No. 5857 of 2006
Date of Decision: 9.2.2007

Vinay Kumar ...Petitioner

Versus

Joginder Singh and others ....Respondents

Coram: Hon'ble Mr. Justice Hemant Gupta.

Present: Shri Harsh Aggarwal, Advocate, for the petitioner.

Shri Surender Garg, Advocate, for respondent Nos. 1 to 6.

HEMANT GUPTA, J.

The challenge in the present revision petition is to the order dated 18.9.2006, whereby an application for consolidation of the present suit for specific performance in respect of the property in dispute with the another suit for specific performance in respect of the same property, was declined.

One Neeraj Kumar is said to be owner of the property in dispute. One Sanjiv Kumar has filed a suit for specific performance of the contract dated 18.1.1998 in respect of the property of the said Neeraj Kumar, whereas another suit has been filed by Joginder Singh against said Neeraj Kumar on 15.1.2000. In the said suit, the petitioner has been impleaded as defendant No. 2 on the basis of sale entered by Neeraj Kumar on 24.1.2000. The petitioner moved an application for consolidation of both the suits. The same was declined by the learned trial Court vide the impugned order in the present revision petition.

After hearing the learned counsel for the parties, I am of the opinion that since both the suits pertain to the same property but arise out of the independent agreements allegedly executed by Neeraj Kumar, it would be appropriate if both the suits are decided together so as to avoid contradictory findings in both the suits. It shall be open to the learned trial Court to decide such suits on the basis of independent evidence which may be led by the parties.

In view of the above, the impugned order passed by the learned trial Court on 18.9.2006 is set aside. The learned trial Court is directed to decide both the suits together on independent evidence.

09-02-2007 (HEMANT GUPTA)
ds JUDGE